

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #3	CCRB Case #: 201806595	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/03/2018 2:01 AM	Location of Incident: [REDACTED]	Precinct: 121	18 Mo. SOL 2/3/2020	EO SOL 2/3/2020	
Date/Time CV Reported Fri, 08/03/2018 1:51 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/13/2018 10:57 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM David Parisi	25025	955296	121 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Murphy	20986	944718	121 PCT
2. POM Edward Aswad	21351	951514	121 PCT
3. LT Kevin Byrnes	00000	915382	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM David Parisi	Force: PO David Parisi used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM David Parisi	Discourtesy: PO David Parisi spoke discourteously to § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On August 3, 2018, SGT John Todaro filed this complaint over the phone with the Internal Affairs Bureau, as a report of an injured prisoner, § 87(2)(b). It was referred to the CCRB, and received on August 13, 2018, under log number 18-30771.

On August 3, 2018, at approximately 2:01 a.m., § 87(2)(b) was walking alone in the vicinity of Forrest Avenue and Heaney Avenue, in Staten Island. He was passed by PO David Parisi, PO John Murphy, and PO Edward Aswad, of the 121st Precinct, who were driving in an unmarked car. The officers recognized § 87(2)(b) as an individual who was wanted as the perpetrator of several larcenies in the area. They pulled over to stop and arrest him, and § 87(2)(b) fled into a nearby parking lot and hid himself under a bush.

The officers approached § 87(2)(b) and ordered him to get out of the bush, but he refused. The officers grabbed § 87(2)(b) and pulled him out. PO Parisi allegedly kicked § 87(2)(b) in the head (**Allegation A – Force:** § 87(2)(g)). The officers handcuffed § 87(2)(b) and placed him in a vehicle. They drove him to the 121st Precinct stationhouse. During the ride over to the stationhouse, PO Parisi allegedly got into an argument with § 87(2)(b) and said, “You’ve got a fat fucking mouth” (**Allegation B – Discourtesy:** § 87(2)(g)). § 87(2)(b) was processed at the stationhouse.

PO Parisi, PO Murphy, and PO Aswad all recorded the incident on body worn cameras. (Board Review 01) (Board Review 02) (Board Review 03).

Findings and Recommendations

Allegation A – Force: PO David Parisi used physical force against § 87(2)(b)

§ 87(2)(b) (Board Review 04) stated that he fled the officers when they approached him, assuming they were going to arrest him. He knew at the time that he was wanted for arrest, and he was also on parole. He got under a bush in an attempt to hide from the officers, but they soon came over to him. § 87(2)(b) lit up a cigarette to smoke it because he knew he was going to be arrested and would be in jail for a while. The officers ordered him to get out of the bush multiple times, but he refused to. After that, PO Parisi came over to him and kicked him multiple times in the face and ribs. The officers took § 87(2)(b) out of the bush and handcuffed him. § 87(2)(b) acknowledged that, prior to the incident, he had received a cut to his face that had been closed with several stitches. Nevertheless, he received cuts and bruises from the incident. § 87(2)(b) stated that the officers offered to obtain medical treatment for him, but he refused, not wanting to prolong his arrest processing.

The video footage does not depict the part of the incident where the force was allegedly used. The TRIs related to this incident document that § 87(2)(b) had minor cuts and lacerations, and complained of more injuries but refused medical treatment. The TRIs did not document that § 87(2)(b) was kicked or struck by officers (Board Review 13).

§ 87(2)(g) PO Parisi (Board Review 05) stated that the officers recognized § 87(2)(b) as a perpetrator wanted for several recent larcenies, as his picture had been widely circulated in the precinct and PO Parisi routinely monitors precinct intelligence. When § 87(2)(b) ran, the three officers followed him and found him in the bushes after he ignited something which they later discovered was a crack pipe. All three officers pulled § 87(2)(b) out of the bushes by his leg and forcibly put him in handcuffs, overcoming his passive resistance. PO Parisi denied that § 87(2)(b) was ever struck by anyone.

At some point, § 87(2)(b) complained about an injury to his face. He was offered medical attention, but refused.

PO Murphy (Board Review 06) and PO Aswad (Board Review 07) corroborated PO Parisi's testimony, as did LT Kevin Byrnes (Board Review 08), who stated that he arrived at the incident location shortly after the other officers had found § 87(2)(b) under the bush. PO Murphy and PO Aswad both acknowledged that they helped PO Parisi pull § 87(2)(b) out from the bush. LT Byrnes did not assist in pulling § 87(2)(b) out of the bush. They either could not recall or denied that § 87(2)(b) was ever struck by the officers.

§ 87(2)(g)

Allegation B – Discourtesy: PO David Parisi spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that the officers placed him in a car, and PO Parisi, PO Murphy, and PO Aswad got into the car and drove him to the stationhouse. In the car ride over, § 87(2)(b) was arguing with the officers and PO Parisi said to him, "You've got a fat fucking mouth."

PO Parisi, PO Aswad, and PO Murphy all denied that this statement or any like it was made. All three officers recorded § 87(2)(b)'s transport to the stationhouse on their body worn cameras (Board Review 01) (Board Review 02) (Board Review 03), and the footage shows that no one made this statement or any similar one.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
§ 87(2)(b)
■ § 87(2)(b)
§ 87(2)(b)
- PO Parisi has been a member of service for five years, and has been the subject of three previous allegations in three cases, none of which have been substantiated. § 87(2)(g) (Board Review 10).

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- A request for any Notice of Claim related to this incident was sent to the New York City Comptroller's Office on December 18, 2018. There has been no response as of the date of this request (Board Review 11).
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b) (Board Review 12).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date